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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

M.S., a minor, by and through his
guardian *ad litem*, Jessica DeVita; and
I.H., a minor, by and through her
guardian *ad litem*, Candace Hernandez,

Plaintiffs,

vs.

Oliver Angus, Michael Angus, Jamie
Angus, Marae Cruce, Gregory Pitts,
Antonio Shelton, Santa Monica Malibu
Unified School District and Does 1
through 10.

Defendants.

Case No.:

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

1. VIOLATION OF CIVIL RIGHTS
42 U.S.C. §12101, *et seq*, Americans
with Disabilities Act
2. VIOLATION OF CIVIL RIGHTS
29 U.S.C. §794, *et seq*, Sec. 504 of
the Rehabilitation Act
3. VIOLATION OF CIVIL RIGHTS
42 U.S.C. §1983, Fourteenth
Amendment – Procedural
4. VIOLATION OF CIVIL RIGHTS
42 U.S.C. §1983, Fourteenth
Amendment - Substantive
5. VIOLATION OF CIVIL RIGHTS
42 U.S.C. §1983, (Entity

- Liability)
6. SEXUAL BATTERY – Cal Civ Code § 1708.5 & Cal Code Civ Pro § 340.1
 7. NONSTATUTORY PARENTAL LIABILITY
 8. EDUCATION CODE – Cal. Educ. Code § 201
 9. DISCRIMINATORY PROGRAM – Cal. Govt. Code §11135
 10. DUE PROCESS – Cal. Const. Art. 1, Sec. 7
 11. NEGLIGENCE
 12. ASSAULT
 13. BATTERY

DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This lawsuit seeks to remedy harm suffered by two minors who are special education students, M.S. and I.H., who have suffered violent physical, emotional and sexual abuse on and off the campus of Santa Monica High School by one of their fellow students Oliver Angus – who is also a martial arts instructor.
2. In addition to subjecting M.S. and I.H. to violent physical, emotional and sexual abuse, Oliver Angus also recorded by audio and visual means, and transmitted via the internet, some of the sexual abuse he perpetrated upon his minor schoolmates.
3. Oliver Angus’ parents, Michael and Jamie Angus, and officials and employees of the Santa Monica Malibu Unified School District (“SMMUSD”), including but not limited to Marae Cruce, Gregory Pitts and Antonio Shelton, were informed and aware of – or should have been aware of – Oliver Angus’ deviant, demented, violent, illegally sexual and harmful propensity and/or acts and took no effective or adequate action to prevent harm from befalling M.S. and I.H.

II. JURISDICTION AND VENUE

4. M.S. and I.H. ("Plaintiffs") present federal claims for relief under 42 U.S.C. §1983, Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131 *et seq.*, and Section 504 of the Rehabilitation Act, 29 U.S.C. § 794. Accordingly, federal jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1331 and 1343. Plaintiffs' claims arise out of acts by all defendants in the County of Los Angeles, State of California. Accordingly, venue is proper within the Central District of California.
5. Plaintiffs' state law causes of action arise under the general laws and Constitution of the State of California, and pursuant to CA Civ Pro Code § 340.1 and Cal. Gov't Code § 11135. Pursuant to 28 U.S.C. § 1367, this court has jurisdiction over Plaintiffs' state law claims as they arise from the same nucleus of operative facts as Plaintiffs' federal claims.
6. Plaintiffs have complied with the California Tort Claims Act requirements for matters requiring such compliance by presenting a tort claim to the entity-affiliated defendants embracing the substance of the matters herein, which was denied. For matters which require presentation of a request to late-file a tort claim, such requests have been filed but not yet ruled upon. For matters including but not limited to sexual assault and federal causes of action, no tort claim is required.

III. PARTIES

7. Plaintiffs M.S. and I.H., are minors who currently attend, and at all times material herein attended, school facilities within the Santa Monica Malibu Unified School District, in the County of Los Angeles, California. Each of them are private residents in the County of Los Angeles, State of California. Plaintiffs M.S. and I.H. are qualified individuals with disabilities under the Americans with Disabilities Act ("ADA") and Section 504.
8. Defendant Santa Monica Malibu Unified School District ("SMMUSD") is a public entity organized and existing under the laws of the State of California. Santa

1 Monica High School is a school facility within SMMUSD. This Defendant is sued
2 on Plaintiffs' state law claims based on *respondeat superior*, under California
3 Government Code §815.2 and mandatory duties under California Government
4 Code §815.6. SMMUSD is a public entity for purposes of Title II of the ADA, and
5 receives federal financial assistance for purposes of Section 504.

6 9. Defendant Antonio Shelton ("Shelton") is, and at all times material herein was, the
7 Superintendent of SMMUSD. As such, Shelton is a supervisor and policymaker
8 for SMMUSD. Defendant Shelton is sued in his individual and official capacities.

9 10. Defendant Marae Cruce ("Cruce") is, and at all times material herein was, a
10 Principal at Santa Monica High School responsible for setting policy for the entire
11 school and for rules and protocol for students with Individualized Education Plans
12 and the personnel who instruct and supervise them. As such, Cruce is a supervisor
13 and policymaker for SMMUSD. Defendant Cruce is sued in her individual and
14 official capacities.

15 11. Defendant Gregory Pitts ("Pitts") is, and at all times material herein was, a
16 Principal at Santa Monica High School responsible for setting policy for the entire
17 school and for rules and protocol for students with Individualized Education Plans
18 and the personnel who instruct and supervise them. As such, Pitts is a supervisor
19 and policymaker for SMMUSD. Defendant Pitts is sued in his individual and
20 official capacities.

21 12. Defendant Oliver Angus at all times material herein attended school facilities
22 within the Santa Monica Malibu Unified School District, in the County of Los
23 Angeles, California. He is a private resident in the County of Los Angeles, State
24 of California.

25 13. Defendant Michael Angus at all times material herein was the father and a parental
26 guardian of Oliver Angus. He is a private resident in the County of Los Angeles,
27 State of California.

28

1 14. Defendant Jamie Angus at all times material herein was the mother and a parental
2 guardian of Oliver Angus. She is a private resident in the County of Los Angeles,
3 State of California.

4 15. Plaintiffs are ignorant of the true names and capacities of Defendants sued herein
5 as DOES 1 through 10, inclusive, and therefore sue these Defendants by such
6 fictitious names. Plaintiffs will give notice of this complaint, and of one or more
7 DOES' true names and capacities, when ascertained. Plaintiffs allege, based on
8 information and belief that Defendants DOES 1 through 10 are responsible in some
9 manner for the damages and injuries complained of throughout this entire
10 Complaint.

11 16. Upon information and belief, Plaintiffs further allege that, at all times relevant
12 herein, Defendants Cruce, Pitts, Shelton and/or Supervisory Doe Defendants
13 participated in, approved, and/or ratified the unconstitutional and/or harmful acts
14 complained of herein.

15 17. Plaintiffs are informed and believe that at all times relevant herein, the individual
16 Defendants, and each of them, were the agents, servants and employees of each
17 other and/or their respective employers and were acting at all times within the
18 scope of their agency and employment, and with the knowledge and consent of
19 their principals and employers. At all times herein, Defendants, and each of them,
20 acted in coordination with, approval of, and in conspiracy with one another. At all
21 times herein, Defendants, and each of them, were acting under the color of law –
22 directly, and/or by conspiracy. All said Defendants, and each of them, ratified the
23 aforesaid conduct committed under color of law. All entity Defendants are liable
24 for the acts of their public employees, the individual Defendants herein, for
25 conduct and/or omissions herein alleged, pursuant to the doctrine of Respondeat
26 Superior, codified at California Government Code § 815.2.

IV. FACTUAL ALLEGATIONS

18. Plaintiff M.S. is a male Santa Monica high school student within the Santa Monica Malibu Unified School District. Claimant is eligible to receive special education services under the category of Autism (AUT) and secondary eligibility of Specific Learning Disability (SLD). Claimant has an Individual Education Program (IEP) and his original Special Education entry date is November 13, 2009.

19. Plaintiff I.H. is a female Santa Monica high school student within the Santa Monica Malibu Unified School District. Claimant is eligible to receive special education services pursuant to an Individual Education Program (IEP) and her participation in the Special Education program for a learning disability.

DEFENDANT OLIVER ANGUS' ABUSE OF M.S.

20. On May 12, 2023, M.S. reported to SMMUSD school officials that he had suffered multiple instances of being sexually assaulted and/or raped by Defendant Oliver Angus.

21. On or about April 17, 2023 up through and including May 12, 2023, in bathrooms, classrooms, gathering spaces, hidden areas and other locations on the campus of Santa Monica High School, Defendant Oliver Angus groomed Plaintiff M.S. for sexual exploitation and bullied him, and threatened him, and sexually assaulted and battered him, and subjected him to videotaping in sexually suggestive ways.

22. In April of 2023, M.S. reported to SMMUSD employees and/or agents that Defendant Oliver Angus threatened M.S. with a pocket/boot knife and stabbed M.S.'s backpack with the knife. SMMUSD employees took no action and/or unreasonably insufficient action to enhance supervision of Oliver Angus, who also has an IEP (for alleged extreme fatigue), and protection of M.S.

23. On October 10, 2022 and November 4, 2022, Defendant Oliver Angus sexually assaulted and raped M.S. off-campus. Defendant Oliver Angus also exposed his

1 genitals to M.S. over the SMMUSD school zoom account and took photographs
2 and videos of his abuse of M.S.

3 24. On November 4, 2022, Defendant Oliver Angus sexually assaulted and/or raped
4 M.S. on-campus during lunch in a space which was hidden and/or shielded from
5 public view.

6 25. During the several years prior to, as well as up through and including May 12,
7 2023, Oliver Angus executed karate moves upon M.S. and threatened to and did
8 twist M.S.'s ears, fingers and arms and kick and punch M.S. in the genitals at
9 SMMUSD school facilities. From May 12th to 14th 2023, M.S. reported to his
10 mother, Jessica DeVita that over the years Oliver Angus abused him on a multitude
11 of occasions, including but not limited to the following:

12 a. "I have a memory of elementary school at a playdate at Oliver's house.
13 Oliver asked me if I'd ever had sex and exposed his penis to me. I didn't
14 understand what it was yet". "This was in his house, in his basement. When I
15 was in elementary school."

16 b. "Oliver exposed himself to M.S. over Facetime and Zoom, and Oliver
17 became angry when M.S. refused to expose himself to Oliver."

18 c. "Things Oliver says to me after the punching, slapping, twisting ears and
19 fingers, and arms. Oliver says "you deserved it". He's really mean, he does the
20 middle finger to me a lot. The violent stuff is worse so I'm not too offended by
21 it but maybe he should stop doing that."

22 d. "Oliver said 'touch it touch it' even though I didn't want to. Oliver said 'come
23 on, let's do it. Let 's do it, no one will see us' I didn't like it. I was afraid of
24 getting in trouble."

25 e. "He pinched my neck sometimes, dragged me on the floor twisted my arms
26 my ears my fingers, he makes threats to punch me in the nuts or kick me in the
27 nuts, and break certain bones or something, and again with the knife thing, he
28

1 pointed the switchblade knife at me, he brought it to school, he pointed it at
2 me, and it really hurt."

3 f. "I didn't want to do it. He' s a bully."

4 26.On multiple occasions M.S. has demanded that Defendant Oliver Angus delete the
5 explicit and pornographic recordings of M.S. and other students that Oliver Angus
6 maintains. Defendant Oliver Angus consistently responds that if he deletes the files
7 he will simply restore them from back-up.

8 27.M.S. is presently extremely scared of Defendant Oliver Angus and believes that
9 now that he has reported these incidents, Defendant Oliver Angus will try to kill
10 him. M.S. requires therapy and a sedative prescription because of his fear of
11 Defendant Oliver Angus.

12
13 DEFENDANT OLIVER ANGUS' ABUSE OF I.H.

14 28.On or about November 22, 2022, and for years prior, in classrooms, gathering
15 spaces and other locations on the campus of Santa Monica High School, as well as
16 at off-campus locations, including but limited to his home, Defendant Oliver
17 Angus groomed Plaintiff I.H. for sexual exploitation and bullied her, and
18 threatened her, and sexually assaulted and battered her.

19 29.On or about November 22, 2022, Defendant Oliver Angus, violently attacked and
20 severely bit I.H.'s upper extremities several times causing her extreme pain and
21 leaving severe bruising. SMMUSD employees and agents were in the classroom
22 and present for Defendant Oliver Angus' violent attack upon I.H., yet failed to
23 prevent it or stop it. Defendant Oliver Angus continued the attack and then ended
24 it at a time of his own choosing when the school bell rang.

25 30.Within a proximity of mere days to his violent attack upon I.H., Defendant
26 Oliver Angus used the District email system to state that he wanted to "cum on
27 I.H."
28

1 31.Following Defendant Oliver Angus' violent attack on I.H., SMMUSD employees
2 and/or agents did not move or remove Defendant Oliver Angus from the
3 classroom. Instead, they made I.H. go to another classroom. SMMUSD
4 employees took no action and/or unreasonably insufficient action to enhance
5 supervision of Defendant Oliver Angus and protection of I.H.

6 32.Leading up to his November 22, 2022 attack on I.H., Defendant Oliver Angus
7 engaged in abuse of I.H., including but not limited to the following:

8 a. Locked I.H. in his room and pushed her to the floor and told her that if she
9 would not be his girlfriend he would hurt her friends and that it would be her
10 fault;

11 b. While I.H. was in the basement of his house Defendant Oliver Angus
12 pushed I.H. onto the floor and forced her mouth open and forced his penis
13 into her mouth and told her to suck his penis. When she bit his penis, he then
14 hit her and bit her thigh and pulled her hair;

15 c. Stalked I.H. and took her cellular phone so that she could not call her
16 friends and parents to tell them what he was doing to her;

17 d. Pushed I.H. into the shower at his house and demanded that she take of her
18 pants. When she refused, after he tried to pull them off himself, he left I.H. in
19 the shower in the dark intermittently coming back to demand that she take of
20 her clothes and not letting her out until his mother, Jamie Oliver, came and
21 saw that I.H. was in the shower;

22 e. Choking I.H. and leaving red marks on her neck and touching her genitalia
23 against her will every time she was taken to Defendant Oliver Angus' house.

24 33.I.H. is extremely fearful that Defendant Oliver Angus will violently retaliate
25 against her for reporting him.

26
27 SMMUSD DEFENDANTS' INACTION AND INDIFFERENCE
28

1 34.A special relationship existed between SMMUSD and Plaintiffs, imposing an
2 affirmative duty on SMMUSD to take all reasonable steps to protect Plaintiffs (see
3 *M. W. v. Panama Buena Vista Union Sch. Dist.*, 110 Cal. App. 4th 508, 517
4 (2003)). Plaintiffs M.S.’ and I.H.’s status as special needs students exposes them
5 to special vulnerability requiring SMMUSD to give consideration to M.S.’ and
6 I.H.’s special needs status when monitoring the school grounds, as special needs
7 students are more susceptible to victimization by fellow students. Where
8 SMMUSD maintained hidden and/or secluded areas, SMMUSD and its
9 administrators and employees were on constructive notice that such spaces were
10 potential places for victimization of special needs students (see *Jennifer C. v. L.A.*
11 *Unified Sch. Dist.*, 168 Cal. App. 4th 1320, 1328 (2008)).

12 35.At all times relevant herein, Plaintiffs M.S. and I.H. were minors, were functioning
13 with intellectual deficits and/or disorders and incapable of consenting to sexual
14 activity of any sort. Conversely, Defendant Oliver Angus’ IEP did not involve
15 intellectual functioning disorders. Instead, his IEP was for a combination of
16 physical conditions allegedly resulting in rapid and/or extreme fatigue and
17 exhaustion – though he was/is also a martial arts instructor.

18 36.On or about June 1, 2022, Plaintiff M.S.’ mother, Jessica DeVita, contacted
19 Defendant Pitts to complain of Defendant Oliver Angus’ physical abuse of M.S.
20 at school. Even after being informed of the need for M.S. to be protected from
21 Defendant Oliver Angus’ physical abuse, SMMUSD officials and employees did
22 not take action as to Defendant Oliver Angus so as to protect M.S. and other special
23 needs students such as I.H. from Defendant Oliver Angus.

24 37.On or about April 11, 2023, Plaintiff M.S.’ mother, Jessica DeVita, caused a
25 Department of Children and Family Services (“DCFS”) report to be filed
26 regarding Defendant Oliver Angus’ physical abuse of M.S. at school. DCFS then
27 contacted administrators at Santa Monica High School regarding the bullying.
28 Even after being informed on this occasion of the need for M.S. to be protected

1 from Defendant Oliver Angus' physical abuse, SMMUSD officials and
 2 employees did not take action as to Defendant Oliver Angus so as to protect M.S.
 3 and other special needs students such as I.H. from Defendant Oliver Angus.

4 38. Plaintiffs are informed, believe and allege that for the several years prior to 2022,
 5 SMMUSD special education teachers, staff, students and/or parents have
 6 complained to SMMUSD administrators that certain special education staff and/or
 7 students were abusive toward other students, but that SMMUSD administrators
 8 did not take action to effectively address those complaints because the victims
 9 were students with disabilities who SMMUSD treated differently and as less
 10 important and valued than students without disabilities.

11 39. SMMUSD Policy BP 5131.7 Students "Weapons and Dangerous Instruments"
 12 states "Students possessing or threatening others with any weapon, dangerous
 13 instrument, or imitation firearm are subject to suspension and/or expulsion in
 14 accordance with law, Board policy, and administrative regulations."

15 40. SMMUSD Policy AR 5131.7 Students "Weapons and Dangerous Instruments"
 16 states "Weapons and dangerous instruments include, but are not limited to: ... 2.
 17 Knives ..."

18 41. SMMUSD Policy BP 5131.7 Students "Weapons and Dangerous Instruments"
 19 further states "The principal or designee shall notify law enforcement authorities
 20 when any student possesses a weapon without permission or commits any act of
 21 assault with a firearm or other weapon. (Education Code 48902; Penal Code 245,
 22 626.9, 626.10; 20 USC 7151)"

23 42. SMMUSD Policy BP 5131.2 Students "Bullying" states "No student or group of
 24 students shall, through physical, written, verbal, or other means, harass, sexually
 25 harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate
 26 violence against any other student or school personnel" and further states "Any
 27 student who engages in bullying on school premises, or off campus in a manner
 28 that causes or is likely to cause a substantial disruption of a school activity or

1 school attendance, shall be subject to discipline, which may include suspension or
2 expulsion, in accordance with district policies and regulations.”

3 43. Even after the November 2022 biting incident wherein Defendant Oliver Angus
4 harmed Plaintiff I.H., and Plaintiff I.H.’s mother, Candace Hernandez, reported
5 the incident to SMMUSD and its employees and administrators – they still did not
6 take action per their policies, or otherwise, as to Defendant Oliver Angus so as to
7 protect I.H. and other special needs students such as M.S. from Defendant Oliver
8 Angus.

9 44. Even after the April 2023 knife incident and prior bullying incidents involving
10 Defendant Oliver Angus, as reported to SMMUSD officials by Plaintiff M.S.’
11 mother Jessica DeVita in June of 2022 and April of 2023, SMMUSD and its
12 officials did not take action per their policies, or otherwise, as to Defendant Oliver
13 Angus so as to protect M.S. and other special needs students such as I.H. from
14 Defendant Oliver Angus.

15 45. Plaintiffs are informed, believe and allege that Defendant Oliver Angus’ behavior
16 toward them was intended to groom them for sexual exploitation for his pleasure
17 and fits a professionally cognizable pattern of such grooming.

18 46. Plaintiffs are informed, believe and allege that Defendant Oliver Angus’ IEP was
19 fraudulent and/or ineffectively evaluated and accepted by Defendants SMMUSD,
20 Pitts, Cruce and Shelton, and DOES 1 through 10 and said Defendants, and each
21 of them, failed to adhere to professional standards and norms when making
22 determinations regarding Defendant Oliver Angus’ IEP, what services he needed,
23 if any, and whether he was safe to be in the company of special needs students.

24 47. Plaintiffs are informed, believe and allege that Defendants SMMUSD, Pitts, Cruce
25 and Shelton, and DOES 1 through 10, failed to protect Plaintiffs from Defendant
26 Oliver Angus at least in part because said defendants refuse to acknowledge that
27 Plaintiffs’ disability and minority makes them incapable of consenting to such
28

1 abuse and makes Plaintiffs highly susceptible to victimization by deviant persons
2 such as Defendant Oliver Angus.

3 48. Defendants SMMUSD's, Pitts', Cruce's and Shelton's, and DOES 1 through 10's,
4 acts and omissions complained of herein are deliberately indifferent to the civil
5 rights of Plaintiffs, discriminatory and shocking to the conscience.

6 49. Defendants SMMUSD's, Pitts', Cruce's and Shelton's, and DOES 1 through 10's,
7 failures to protect Plaintiffs and other similarly situated students from Defendant
8 Oliver Angus were so dangerous that Plaintiff M.S.'s mother, Jessica DeVita,
9 removed Plaintiff M.S. from attendance at Santa Monica High School and brought
10 a civil case for a permanent restraining order and litigated it with a temporary
11 restraining order in place until SMMUSD confirmed in writing that Defendant
12 Oliver Angus had been transferred to a different campus where he was no longer
13 an immediate threat to M.S. and I.H.

14 15 **CAUSES OF ACTION**

16 17 **COUNT ONE - 42 U.S.C. §12131, *et seq.***

18 **[AMERICANS WITH DISABILITIES ACT]**

19 **(Plaintiffs Against SMMUSD)**

20 50. Each and every allegation throughout this entire complaint is incorporated as
21 though repeated and fully set forth herein.

22 51. Title II of the Americans with Disabilities Act ("ADA"), in particular, prohibits
23 discrimination against individuals with disabilities in the provision of services,
24 programs, or activities by public entities. 42 U.S.C. § 12132.

25 52. At all times relevant to this action, Defendant SMMUSD is a "public entity" within
26 the meaning of Title II of the ADA and through its several departments described
27 in greater detail above operated and continue to operate programs, provide
28 services, and engage in activities within the meaning of Title II of the ADA that

1 are open to the general public and operate to protect and provide a benefit to the
2 general welfare of the school children within its district.

3 53. At all times relevant to this action, Plaintiffs I.H. and M.S. are qualified individuals
4 with disabilities. They are being discriminated against and denied the benefits of
5 SMMUSD services and programs because SMMUSD fails to adequately meet
6 their safety and supervision needs in its special education program operation,
7 because of their disability. Further, because Plaintiffs are IEP students, SMMUSD
8 allows conduct creating risks of harm and actual harm to them that it would not
9 allow to befall non-IEP students. This failure/exclusion unduly burdens Plaintiffs.

10 54. Pursuant to Title II, public entities are required to provide meaningful access to
11 their programs, services and activities. Among the requirements to provide
12 meaningful access, public entities must modify their policies and procedures when
13 necessary to accommodate disability related needs, also known as “reasonable
14 accommodation.” 28 C.F.R. §35.130(b)(7). Public entities cannot provide
15 programs, services or benefits to a person with a disability that are not equal to
16 those provided to others or deny a person with a disability the opportunity to
17 participate in programs, services or activities. 28 C.F.R. §35.130(b)(1). Moreover,
18 a public entity may not, directly or through contractual or other arrangements,
19 utilize criteria or methods of administration that have the effect of subjecting
20 qualified individuals with disabilities to discrimination on the basis of disability.
21 28 C.F.R. §35.130(b)(3)(i).

22 55. The challenged actions and omissions by Defendants evince discrimination under
23 the ADA, and a failure to reasonably accommodate Plaintiffs. Defendant has done
24 so with deliberate indifference to Plaintiffs' rights under the ADA.

25 56. As a direct and proximate cause of the aforementioned acts, Plaintiffs damaged in
26 an amount to be proven at trial.

27
28

1 57.As a result of the foregoing, Plaintiffs suffered and continue to suffer injury,
 2 including, but not limited to, denial of meaningful access to the benefits of
 3 Defendant's programs, activities or services.

4 58.Because Defendant's discriminatory and wrongful conduct is ongoing,
 5 declaratory and injunctive relief are appropriate remedies. Plaintiffs seek
 6 injunctive relief and attorneys' fees as a result.
 7

8 **COUNT TWO - 29 U.S.C. § 794(a)**
 9 **[SECTION 504 OF THE REHABILITATION ACT OF 1973]**
 10 **(Plaintiffs Against SMMUSD)**

11 59.Each and every allegation throughout this entire complaint is incorporated as
 12 though repeated and fully set forth herein.

13 60.Section 504 requires that "[n]o otherwise qualified individual with a disability in
 14 the United States . . . shall, solely by reason of her or his disability, be excluded
 15 from the participation in, be denied the benefits of, or be subjected to
 16 discrimination under any program or activity receiving Federal financial
 17 assistance." 29 U.S.C. § 794(a).

18 61.At all times relevant to this action, SMMUSD was a public entity receiving federal
 19 financial assistance.

20 62.Under Section 504 public entities are required to provide meaningful access to
 21 their programs, services and activities, and must provide reasonable
 22 accommodations. Specifically, the aids, benefits and services may not deny a
 23 person with a disability "an equal opportunity to achieve the same benefits that
 24 others achieve in the program or activity". 28 C.F.R. 42.503(B)(1)(ii).

25 63.At all times relevant to this action, Plaintiffs I.H. and M.S. are qualified
 26 individuals with disabilities. They are being discriminated against and denied the
 27 benefits of SMMUSD services and programs because SMMUSD fails to
 28 adequately meet their safety and supervision needs in its special education

1 program operation, because of their disability. Further, because Plaintiffs are IEP
 2 students, SMMUSD allows conduct creating risks of harm and actual harm to
 3 them that it would not allow to befall non-IEP students. This failure/exclusion
 4 unduly burdens Plaintiffs.

5 64. Defendants acted in violation of Section 504 through failing to provide a safe and
 6 discrimination free program, including by its failure to provide reasonable
 7 accommodations and supervision. Defendants' failure is the cause of the harm
 8 Plaintiffs have suffered and further harm they face.

9 65. The challenged actions and omissions by Defendants evince a failure to
 10 accommodate Plaintiffs, and caused Plaintiffs harm. Defendant has done so with
 11 deliberate indifference to Plaintiffs' rights under Section 504.

12 66. As a direct and proximate cause of the aforementioned acts, Plaintiffs were
 13 damaged in an amount to be proven at trial.

14 67. As a result of the foregoing, Plaintiffs suffered and continue to suffer injury,
 15 including, but not limited to, denial of meaningful access to the benefits of
 16 Defendant's program.

17 68. Because Defendant's discriminatory and wrongful conduct is ongoing,
 18 declaratory and injunctive relief are appropriate remedies. Plaintiffs seek
 19 injunctive relief and attorneys' fees as a result.

21 **COUNT THREE - 42 U.S.C. §1983**

22 **[FOURTEENTH AMENDMENT – PROCEDURAL DUE PROCESS]**

23 **(Plaintiffs Against SMMUSD, Shelton, Cruce, Pitts and DOES 1 through 10)**

24 69. Each and every allegation throughout this entire complaint is incorporated as
 25 though repeated and fully set forth herein.

26 70. This cause of action arises under United States Code, Title 42, Sections 1983 and
 27 1988, wherein Student Plaintiffs seek to redress a deprivation under color of law of
 28

1 a right, privilege or immunity secured to them by the Fourteenth Amendment to the
2 United States Constitution.

3 71. “Liberty interests protected by the Fourteenth Amendment may arise from two
4 sources -- the Due Process Clause itself and the laws of the States.” *Meachum v.*
5 *Fano*, 427 U.S. 215, 223-227 (1976). It has been “repeatedly held that state
6 statutes may create liberty interests that are entitled to the procedural protections
7 of the Due Process Clause of the Fourteenth Amendment.” *Vitek v. Jones*, 445
8 U.S. 480, 488 (1980). “Protected interests in property are normally ‘not created
9 by the Constitution. Rather, they are created and their dimensions are defined’ by
10 an independent source such as state statutes or rules entitling the citizen to certain
11 benefits.” *Goss v. Lopez*, 419 U.S. 565, 572-73 (1975).

12 72. By virtue of California law, “[T]he right of all students to a school environment
13 fit for learning cannot be questioned. Attendance is mandatory and the aim of all
14 schools is to teach. Teaching and learning cannot take place without the physical
15 and mental well-being of the students.” *In re William G.*, 40 Cal. 3d 550, 563
16 (1985). “The volume and scope of State regulation indicate the pervasive role the
17 State itself has chosen to assume in order to ensure a fair, high quality public
18 education for all California students. ... [T]he statutes address at length such
19 matters as ... school health, safety, and nutrition ...” *Butt v. State of Cal.*, 4 Cal.
20 4th 668, 689 (1992).

21 73. Accordingly, the students’ educational environment rights provide a state-created
22 due process interest which the Fourteenth Amendment protects.

23 74. The core basis for these allegations is SMMUSD’s failure to effectively discipline,
24 supervise and/or expel Defendant Oliver Angus after notice of his violent and
25 deviant acts.

26 75. The challenged actions and omissions by Defendants invade and infringe upon
27 Plaintiffs’ legally protected interests and were taken as part of a plan to
28 intentionally deprive them of protection of those interests.

1 76. Therefore, Plaintiffs and class members are entitled to bring suit and recover
2 damages pursuant to 42 U.S.C. §1983.

3 77. As a direct and proximate cause of the aforementioned acts, were damaged in an
4 amount to be proven at trial.

5 78. Because Defendants' wrongful conduct is ongoing, declaratory and injunctive
6 relief are appropriate remedies. Plaintiffs seek injunctive relief and attorneys' fees
7 as a result.

8 **COUNT FOUR - 42 U.S.C. §1983**

9 **[FOURTEENTH AMENDMENT – SUBSTANTIVE DUE PROCESS]**

10 **(Plaintiffs Against SMMUSD, Shelton, Cruce, Pitts and DOES 1 through 10)**

11 79. Each and every allegation throughout this entire complaint is incorporated as
12 though repeated and fully set forth herein.

13 80. This cause of action arises under United States Code, Title 42, Sections 1983 and
14 1988, wherein Plaintiffs seek to redress a deprivation under color of law of a right,
15 privilege or immunity secured to them by the Fourteenth Amendment to the United
16 States Constitution.

17 81. Plaintiffs were at all relevant times in possession of legally protected interests as
18 set forth throughout this Complaint.

19 82. "Because the harm of a substantive due process violation occurs at the time of the
20 wrongful government action, Plaintiffs' section 1983 action arises when the
21 wrongful action is taken." *Sierra Lake Res. v. Rocklin*, 938 F.2d 951, 957-58 (9th
22 Cir. 1991)(vacated on other grounds).

23 83. The acts and omissions of Defendants' SMMUSD, Shelton, Cruce and Pitts and
24 DOES 1 through 10, as set forth throughout this entire Complaint violated all
25 Plaintiffs' substantive due process rights because those actions were "clearly
26 arbitrary and unreasonable, having no substantial relation to the public health,
27 safety, morals, or general welfare." *Sierra Lake Res. v. Rocklin*, 938 F.2d 951, 957-
28 58 (9th Cir. 1991)(vacated on other grounds).

1 84.Plaintiffs are informed and believe that SMMUSD, Shelton, Cruce and Pitts, were
 2 on notice of Defendant Oliver Angus’ violent and deviant acts and knowingly
 3 declined to enhance supervision of Defendant Olver Angus so as to protect those
 4 vulnerable students around him.

5 85.Additionally, Plaintiffs are informed, believe and allege that SMMUSD defendants
 6 did not act to protect the victims of Defendant Oliver Angus specifically because,
 7 in part or wholly, because Defendant Oliver Angus has an IEP. This allegation is
 8 made separately and apart from Plaintiffs’ allegations based on their own status as
 9 IEP recipients.

10 86.The challenged actions and omissions by said Defendants compromise the health
 11 and safety of Plaintiffs – and are clearly unreasonable. Beyond that, those actions
 12 shock the conscience.

13 87.The invasion and infringement of Plaintiffs’ interests is itself a due process
 14 violation.

15 88. Therefore, Plaintiffs are entitled to bring suit and recover damages pursuant to 42
 16 U.S.C. §1983.

17 89.As a direct and proximate cause of the aforementioned acts, Plaintiffs were
 18 damaged in an amount to be proven at trial.

19 90.As a result of the foregoing, Plaintiffs suffered and continue to suffer injury,
 20 including, but not limited to, denial of due process. Plaintiffs seek damages and
 21 declaratory and injunctive relief, and attorneys’ fees as a result.

22
 23 **COUNT FIVE - 42 U.S.C. §1983**

24 **[ENTITY & SUPERVISOR LIABILITY]**

25 **(Plaintiffs Against SMMUSD, Shelton, Cruce, Pitts and DOES 1 through 10)**

26 91.Each and every allegation throughout this entire complaint is incorporated as
 27 though repeated and fully set forth herein.
 28

1 92. This cause of action arises under United States Code, Title 42, Sections 1983 and
 2 1988, wherein Plaintiffs seek to redress a deprivation under color of law of a right,
 3 privilege or immunity secured to them by the United States Constitution.

4 93. "A municipality may be held liable under § 1983 for a single decision by its
 5 properly constituted legislative body -- whether or not that body had taken similar
 6 action in the past or intended to do so in the future -- because even a single decision
 7 by such a body unquestionably constitutes an act of official government policy."
 8 *Pembaur v. City of Cincinnati*, 475 U.S. 469, 480 (1986).

9 94. Additionally, Defendant SMMUSD violated Plaintiffs' constitutional rights, as
 10 alleged *supra*, by creating and maintaining the following unconstitutional customs
 11 and practices, *inter alia*:

12 (i) Plaintiffs allege that Defendant SMMUSD has a *de facto* policy,
 13 custom or practice of failing to protect students with disabilities in its
 14 Programs;

15 (ii) Plaintiffs allege that Defendant SMMUSD has a *de facto* policy,
 16 custom or practice of failing to properly supervise and/or discipline
 17 students with disabilities in its Programs;

18 (iii) Plaintiffs allege that Defendant SMMUSD has, under the
 19 Programs, a *de facto* policy, custom or practice of condoning, ratifying,
 20 and/or approving its employees' failures to maintain safe environments
 21 for its students with disabilities; and
 22

23 95. Defendant's policies or customs caused and were the moving force and/or
 24 affirmative link behind some or all of the violations of Plaintiffs' constitutional
 25 rights at issue in this case.

26 96. Plaintiffs are informed, believe, and thereupon allege that these policies, practices,
 27 customs, and procedures are intentional and/or the result of deliberate indifference
 28 on the part of Defendant SMMUSD, by and through its decision makers.

1 97. The foregoing unconstitutional customs and practices were a direct and legal
2 cause of harm to Plaintiffs.

3 98. Plaintiffs specifically allege that Defendant SMMUSD's policies, customs, and/or
4 practices, as described herein, were within the control of Defendant SMMUSD and
5 within the feasibility of Defendant SMMUSD, to alter, adjust, and/or correct so as
6 to prevent some or all of the unlawful acts and injury complained of herein by
7 Plaintiffs.

8 **COUNT SIX – Cal Civ Code § 1708.5**

9 **and Cal Code Civ Pro § 340.1**

10 **[Sexual Battery]**

11 **(Plaintiffs Against All Defendants)**

12 99. Each and every allegation throughout this entire complaint is incorporated as
13 though repeated and fully set forth herein.

14 100. This cause of action arises under Cal Civ Code § 1708.5 and Cal Code Civ Pro
15 § 340.1.

16 101. By doing the acts set forth throughout this Complaint, Defendant Oliver Angus:
17 Acted with the intent to cause a harmful or offensive contact with an intimate part
18 of another, and a sexually offensive contact with that person directly or indirectly
19 resulted and/or Defendant Oliver Angus acted with the intent to cause a harmful
20 or offensive contact with another by use of his intimate part, and a sexually
21 offensive contact with that person directly or indirectly results.

22 102. As a direct, legal and proximate result of Defendant's conduct, Plaintiffs have
23 suffered and continue to suffer injury and damages as set forth herein, in an
24 amount to be determined according to proof at trial.

25 103. Defendant City is liable to Plaintiffs with disabilities for the acts of its
26 employees, for conduct and/or omissions herein alleged, pursuant to the doctrine
27 of Respondeat Superior, codified at California Government Code § 815.2 (for
28

1 public employees) and California Civil Code §2330, et seq. (for private
2 employees).

3 104. Plaintiffs specifically allege that all Defendants' acts and omissions, as
4 described herein, were within the control and feasibility of Defendants to alter,
5 adjust, and/or correct so as to prevent some or all of the injury complained of
6 herein by Plaintiffs.

7 105. Because SMMUSD Defendants' wrongful conduct is ongoing, declaratory and
8 injunctive relief are appropriate remedies. Plaintiffs seek injunctive relief and
9 attorneys' fees as a result.

10
11 **COUNT SEVEN – Nonstatutory Parental Liability**

12 [*Ellis v. D'Angelo* (1953) 116 Cal.App.2d 310 / *Costello v. Hart* (1972) 23
13 Cal.App.3d 898]

14 **(Plaintiffs Against Defendants Michael Angus and Jamie Angus)**

15 106. Each and every allegation throughout this entire complaint is incorporated as
16 though repeated and fully set forth herein.

17 107. This cause of action arises under California law as set forth by precedent (see
18 *Ellis v. D'Angelo* (1953) 116 Cal.App.2d 310 / *Costello v. Hart* (1972) 23
19 Cal.App.3d 898).

20 108. For all complained of conduct by Oliver Angus occurring prior to October 20,
21 2023, Defendants Michael Angus and Jamie Angus, and each of them, were aware
22 of Oliver Angus' habits or tendencies that created an unreasonable risk of harm
23 to other persons. Said defendants had the opportunity and ability to control the
24 conduct of Oliver Angus but were negligent because they failed to take reasonable
25 precautions to prevent harm to others. Such negligence was a substantial factor in
26 causing harm to Plaintiffs M.S. and I.H., and each of them.

1 109. As a direct, legal and proximate result of Defendant's conduct, Plaintiffs with
2 disabilities have suffered and continue to suffer injury and damages as set forth
3 herein, in an amount to be determined according to proof at trial.

4 110. Plaintiffs specifically allege that all Defendants' acts and omissions, as
5 described herein, were within the control and feasibility of Defendants to alter,
6 adjust, and/or correct so as to prevent some or all of the injury complained of
7 herein by Plaintiffs.

8
9 **COUNT EIGHT - Cal. Educ. Code § 201**

10 **[EDUCATION CODE]**

11 **(Plaintiffs Against SMMUSD, Shelton, Cruce, Pitts and DOES 1 through 10)**

12 111. Each and every allegation throughout this entire complaint is incorporated as
13 though repeated and fully set forth herein.

14 112. The California Education Code states in pertinent part "(a) All pupils have the
15 right to participate fully in the educational process, free from discrimination and
16 harassment. (b) California's public schools have an affirmative obligation to
17 combat racism, sexism, and other forms of bias, and a responsibility to provide
18 equal educational opportunity." Cal. Educ. Code § 201.

19 113. The acts and omissions complained of throughout this Complaint constitute a
20 violation of Cal. Educ. Code § 201.

21 114. As a direct, legal and proximate result of Defendant's conduct, Plaintiffs have
22 suffered and continue to suffer injury and damages as set forth herein, in an
23 amount to be determined according to proof at trial.

24 115. Defendant SMMUSD is liable to Plaintiffs for the acts of its employees, for
25 conduct and/or omissions herein alleged, pursuant to the doctrine of Respondeat
26 Superior, codified at California Government Code § 815.2 (for public employees)
27 and California Civil Code §2330, et seq. (for private employees).

28

1 116. Because Defendants' discriminatory and wrongful conduct is ongoing,
 2 declaratory and injunctive relief are appropriate remedies. Plaintiffs seek
 3 injunctive relief and attorneys' fees as a result.

4
 5 **COUNT NINE- Cal. Gov't Code §11135**
 6 **[DISCRIMINATORY PROGRAM]**
 7 **(Plaintiffs Against SMMUSD)**

8 117. Each and every allegation throughout this entire complaint is incorporated as
 9 though repeated and fully set forth herein.

10 118. California Government Code section 11135 sets forth a nondiscrimination
 11 policy for state programs. It provides that in pertinent part:

12 [n]o person in the State of California shall, on the basis of race,
 13 national origin, ethnic group identification, religion, age, sex, sexual
 14 orientation, color, genetic information or disability, be unlawfully
 15 denied full and equal access to the benefits of, or be unlawfully
 16 subjected to discrimination under, any program or activity that is
 17 conducted, operated, or administered by the state or by any state
 18 agency, is funded directly by the state, or receives any financial
 19 assistance from the state. Cal. Gov't Code § 11135(a).

20 119. It is a discriminatory practice for a recipient of state financial assistance, in
 21 carrying out any program or activity, on the basis of disability, (a) to deny a person
 22 the opportunity to participate in, or benefit from an aid, benefit or service; (b) to
 23 afford a person the opportunity to participate in or benefit from an aid, benefit or
 24 service that is not equal to that afforded others; (c) to provide a person with an
 25 aid, benefit or service that is not as effective in affording an equal opportunity to
 26 obtain the same result, to gain the same benefit, or to reach the same level of
 27 achievement as that provided to others . . . (g) to otherwise limit a person in the
 28 enjoyment of any right, privilege, advantage or opportunity enjoyed by others

1 receiving any aid, benefit or service resulting from the program or activity.” 22
 2 Cal. Code Regs. § 98101 (a)-(c), (g).

3 120. It is also discrimination for a recipient of state financial assistance to utilize
 4 criteria or methods of administration that: “(1) have the purpose or effect of
 5 subjecting a person to discrimination on the basis of disability; [or] (2) have the
 6 purpose or effect of defeating or substantially impairing the accomplishment of
 7 the objectives of the recipient’s program with respect to a person with a disability.
 8 . .” 22 Cal. Code Regs. § 98101(i).

9 121. Defendant SMMUSD was, at all times relevant to this action, and is currently
 10 operating or administering a program or activity that receives state financial
 11 assistance, within the meaning of Section 11135.

12 122. Defendant City has violated the rights of Plaintiffs secured by Cal. Gov’t Code
 13 § 11135 et seq.

14 123. Because Defendant’s discriminatory and wrongful conduct is ongoing,
 15 declaratory and injunctive relief are appropriate remedies. Further, as a direct
 16 result of Defendant’s actions, Plaintiffs are suffering irreparable harm and
 17 therefore speedy and immediate relief is appropriate.

18 124. Plaintiffs are entitled to declaratory and injunctive relief as well as reasonable
 19 attorneys’ fees and costs incurred in bringing this action.

21 **COUNT TEN - CAL. CONST. ART. 1, SEC. 7**

22 **(Due Process)**

23 **[Plaintiffs Against SMMUSD, Shelton, Cruce, Pitts and DOES 1 through 10]**

24 125. Each and every allegation throughout this entire complaint is incorporated as
 25 though repeated and fully set forth herein.

26 126. Per the California Constitution, “A person may not be deprived of life, liberty,
 27 or property without due process of law or denied equal protection of the laws;
 28 provided, that nothing contained herein or elsewhere in this Constitution imposes

1 upon the State of California or any public entity, board, or official any obligations
2 or responsibilities which exceed those imposed by the Equal Protection Clause of
3 the 14th Amendment to the United States Constitution with respect to the use of
4 pupil school assignment or pupil transportation.”

5 127. As set forth throughout this entire Complaint, Defendants SMMUSD, Shelton,
6 Cruce, Pitts and DOES 1 through 10 violated Plaintiffs’ procedural due process
7 rights.

8 128. As a direct, legal and proximate result of Defendant’s conduct, Plaintiffs have
9 suffered and continue to suffer injury and damages as set forth herein, in an
10 amount to be determined according to proof at trial.

11 129. Defendants SMMUSD, Shelton, Cruce, Pitts and DOES 1 through 10 are liable
12 to Plaintiffs for the acts of its employees, for conduct and/or omissions herein
13 alleged, pursuant to the doctrine of Respondeat Superior, codified at California
14 Government Code § 815.2 (for public employees) and California Civil Code
15 §2330, et seq. (for private employees). As a result of the foregoing, Plaintiffs and
16 members of the proposed class suffered and continue to suffer injury, including,
17 but not limited to, denial of their civil rights.

18 130. As set forth throughout this entire Complaint, Defendants SMMUSD, Shelton,
19 Cruce and Pitts violated all Plaintiffs’ substantive due process rights.

20 131. As set forth throughout this entire Complaint, Defendants SMMUSD, Shelton,
21 Cruce and Pitts conduct was deliberately indifferent and shocking to the
22 conscience.

23 132. As a direct, legal and proximate result of Defendants’ conduct, Plaintiffs have
24 suffered and continue to suffer injury and damages as set forth herein, in an
25 amount to be determined according to proof at trial.

26 133. Defendant SMMUSD is liable to Plaintiffs for the acts of its employees, for
27 conduct and/or omissions herein alleged, pursuant to the doctrine of Respondeat
28 Superior, codified at California Government Code § 815.2 (for public employees)

1 and California Civil Code §2330, et seq. (for private employees). As a result of
 2 the foregoing, Plaintiffs and members of the proposed class suffered and continue
 3 to suffer injury, including, but not limited to, denial of their civil rights.

4
 5 **COUNT ELEVEN - Cal Civ. Code §§ 1714, 3333**

6 **and Cal. Gov't Code §815.2**

7 **[NEGLIGENCE]**

8 **(Plaintiffs Against All Defendants)**

9 134. Each and every allegation throughout this entire complaint is incorporated as
 10 though repeated and fully set forth herein.

11 135. Defendants, and each of them, owed Plaintiffs a duty of reasonable care to
 12 avoid exposing them to reasonably foreseeable risks of harm or injury by acting
 13 reasonably under the circumstances complained of in this Complaint.

14 136. Each Defendant breached its duty of reasonable care as complained of in this
 15 Complaint by failing to act reasonably under the circumstances.

16 137. As a direct, legal and proximate result of Defendants' conduct, Plaintiffs have
 17 suffered and continue to suffer injury and damages as set forth herein, in an
 18 amount to be determined according to proof at trial.

19 138. Defendant SMMUSD is liable to Plaintiffs for the acts of its employees, for
 20 conduct and/or omissions herein alleged, pursuant to the doctrine of Respondeat
 21 Superior, codified at California Government Code § 815.2 (for public employees)
 22 and California Civil Code §2330, et seq. (for private employees). As a result of
 23 the foregoing, Plaintiffs and members of the proposed class suffered and continue
 24 to suffer injury, including, but not limited to, denial of their civil rights

25
 26 **COUNT TWELVE - Assault**

27 **(Plaintiffs Against Defendant Oliver Angus)**

1 139. Each and every allegation throughout this entire complaint is incorporated as
2 though repeated and fully set forth herein.

3 140. Defendant Oliver Angus, by doing and/or causing the acts complained of in this
4 entire Complaint, is liable for committing the tort of assault upon each Plaintiff.

5 141. Plaintiffs specifically allege that Defendant's complained of acts and/or
6 omissions, were within his control, and within the feasibility of him, to alter,
7 adjust, and/or correct so as to prevent some or all of the unlawful acts and injury
8 complained of herein by Plaintiffs.

9
10 **COUNT THIRTEEN - Battery**

11 **(Plaintiffs Against Defendant Oliver Angus)**

12 142. Each and every allegation throughout this entire complaint is incorporated as
13 though repeated and fully set forth herein.

14 143. Defendant Oliver Angus, by doing and/or causing the acts complained of in this
15 entire Complaint, is liable for committing the tort of battery upon each Plaintiff.

16 144. Plaintiffs specifically allege that Defendant's complained of acts and/or
17 omissions, were within his control, and within the feasibility of him, to alter,
18 adjust, and/or correct so as to prevent some or all of the unlawful acts and injury
19 complained of herein by Plaintiffs.

20
21
22 **V. KNOWING AND WILLFUL ACTION**

23
24 145. Plaintiffs specifically allege that Defendants' policies, customs and/or
25 practices, as described herein above, were within the control of Defendants and
26 within the feasibility of Defendants to alter, adjust and/or correct so as to prevent
27 some or all of the unlawful acts and injury complained of herein by Plaintiffs.

1 146. Plaintiffs specifically allege that Defendants, and each of them, made a
 2 calculated, knowing and voluntary choice not to alter, adjust and/or correct their
 3 policies, customs and/or practices, as described herein above, so as to prevent
 4 some or all of the unlawful acts and injury complained of herein by Plaintiffs.
 5 The conduct by each individual defendant was with malice, fraud and/or
 6 oppression, and said Defendants are therefore liable for punitive damages.
 7

8 **VI. PRAYER**

9
 10 WHEREFORE, Plaintiffs, on behalf of themselves and the class members they
 11 represent, request damages against each Defendant as follows:

- 12 1. A declaration that each defendant violated the statutes, rules and/or regulations
 13 pled herein;
- 14 2. General, presumed and special damages according to proof;
- 15 3. Temporary, preliminary, and permanent injunctive relief requiring SMMUSD
 16 to revise its safety protocol for school facility spaces within its district;
- 17 4. Temporary, preliminary, and permanent injunctive relief requiring SMMUSD
 18 to revise its safety protocol for IEP students within its district;
- 19 5. Temporary, preliminary and permanent injunctive relief prohibiting Defendants
 20 from continuing to engage in the unlawful action and practices complained of
 21 herein;
- 22 6. As against the individual Defendants only, punitive damages according to proof;
- 23 7. In addition to actual damages, statutory damages as may be allowed by law, and
 24 treble damages under California Civil Code §§52 and 52.1;

25 //

26 //

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28

- 1 8. Attorneys' fees and costs under 42 U.S.C. §1988, 42 U.S.C. §12205, 29 U.S.C.
2 §794(b), California Civil Code §§52(b)(3), 52.1 (h), California Code of Civil
3 Procedure §1021.5, and whatever other Statute or law may be applicable;
4 9. The costs of this suit and such other relief as is just and proper.
5

6 Respectfully submitted,

7 DATE: November 22, 2023

/s/ Olu K. Orange

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Olu K. Orange, Esquire
Attorney for the Plaintiffs

JURY DEMAND

Plaintiffs hereby demand trial by jury in this action.

Respectfully submitted,

DATE: November 22, 2023

/s/ Olu K. Orange

Olu K. Orange, Esquire
Attorney for the Plaintiffs